

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**
FRANCES AMATO,

Plaintiff,

**1:21-cv-860
(GLS/TWD)**

v.

ANTHONY McGINTY,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Frances Amato

Pro Se

PO BOX 774

Marlboro, NY 12542

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following an Order and Report-Recommendation (R&R) by Magistrate Judge Thérèse Wiley Dancks duly filed January 26, 2022. (Dkt. No. 17.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

ORDERED that the Report-Recommendation (Dkt. No. 17) is

ADOPTED in its entirety; and it is further

ORDERED that plaintiff's amended complaint (Dkt. No. 6) is
DISMISSED in its entirety pursuant to 28 U.S.C. § 1915(e)(2)(B); and it is further

ORDERED that all claims are **DISMISSED WITH PREJUDICE** except that plaintiff's Americans with Disabilities Act claim for prospective injunctive relief is **DISMISSED WITHOUT PREJUDICE AND WITH LEAVE TO REPLEAD**; and it is further

ORDERED that the Clerk is directed to amend the docket to remove all references to C.A.B.; and it is further

ORDERED that, if plaintiff files an amended complaint, plaintiff is warned that any amended complaint must be a complete and separate pleading. Plaintiff must state all of her claims in the new pleading and may not incorporate by reference, any part of her original complaint; and it is further

ORDERED that any amended complaint shall be filed within thirty (30) days of this Order; and it is further

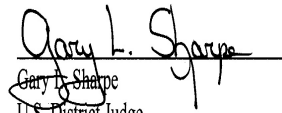
ORDERED that, if plaintiff files an amended complaint, such proposed amended complaint will be referred to the Magistrate Judge for initial review; and it is further

ORDERED that, if plaintiff fails to file an amended complaint within the time permitted, the clerk is directed to close this case without further order of the court; and it is further

ORDERED that the Clerk provide a copy of this Order to plaintiff in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

February 18, 2022
Albany, New York


Gary L. Sharpe
U.S. District Judge